

DETAILED ACTION

This office action is responsive to Request for Continued Examination (RCE) filed on 02/03/2011.

Response to Amendment

The Examiner has acknowledged the amended claim 3.

Response to Arguments

Applicant's arguments filed on 02/03/2011 have been fully considered but they are not persuasive.

Regarding Applicant's argument (page 7) that the sections of Roberts cited by the Examiner, as well as Roberts taken as a whole, do not disclose, *inter alia*, "wherein the connection managing unit transmits a program to the first client, wherein the first client terminal executes the program, and wherein execution of the program by the first client terminal causes the second connection request to be automatically executed again by the first client terminal after a predetermined time interval." On the contrary, none of the applets in Roberts provides this functionality. For example, Roberts' user applet 22 and service applet 30 are not used to automatically execute a second connection request after a predetermined time interval. (Independent claim 3). Rather, Roberts' user applet 22 and service applet 30 are used to visually communicate queue information between a server 20 and a user computer 12. (Roberts at, for example, column 5, lines 34-39; column 7, lines 36-50; column 15, lines 18-21).

The Examiner respectfully disagrees with Applicant's assertion because Roberts discloses that once the user computer 12 accesses the server 20 utilizing the browser 18, the server 20 transmits to the user computer 12 a user applet 22. The user applet 22 is adapted to enable the user computer 12 to communicate through the network 16 with the server 20. A service applet 30 is disposed on the second computer 24 to enable the second computer 24 to communicate with the server 20. The service applet 30 can either be transmitted to the second computer 24 by the server 20 or be disposed thereon. After the user computer 12 receives the user applet 22, the second computer 24 is notified that a link is established, and that a session can be established between the user computer 12 and the second computer 24. When the session is established, users of the user computer 12 and the second computer 24 can visually communicate (col. 7, lines 35 – 49).

Thus, Roberts discloses the claimed language.

In view of such the rejection is as follow:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 3, the limitations of **“a connection managing unit for allowing connection of said client terminals according to said order of connection, upon receiving a second connection request from a second client terminal of said client terminals after said first connection request;” “wherein the connection managing unit transmits a program to the first client, wherein the first client terminal executes the program, and wherein execution of the program by the first client terminal causes the second connection request to be automatically executed again by the first client terminal after a predetermined time interval”** are not enabled. It has not been described how such limitations are taken place in the specification. Therefore, one skilled in the art would not know how to make and/or use the invention.

Applicant recites “receiving a second connection request from a second client terminal of said client terminals, but later on, Applicant recites that the execution of the program by the first terminal causes the second connection request to be automatically executed **again** by the first client terminal after a predetermined time interval. Throughout the specification, the first client terminal is the one that requests the second connection.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, the limitations of “**a connection managing unit for allowing connection of said client terminals according to said order of connection, upon receiving a second connection request from a second client terminal of said client terminals after said first connection request;” “wherein the connection managing unit transmits a program to the first client, wherein the first client terminal executes the program, and wherein execution of the program by the first client terminal causes the second connection request to be automatically executed again by the first client terminal after a predetermined time interval**” are confusing. It is not clear how a second connection request is from a second client terminal and after execution of a program by the first terminal, the second connection request to be automatically executed again by the first client terminal.

Claims 4 – 5 and 27 – 36 are necessarily rejected as being dependent upon the rejection of claim 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the

prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3 - 5 and 27 - 36 are rejected under 35 U.S.C 103(a) as being anticipated by Bhoj et al. US Patent No. 6,742,016) in view of Roberts et al. (US Patent No. 6,754,693).

Claims 3 – 5 and 27 - 36 are rejected with art as best understood by the Examiner.

Bhoj teaches an invention as claimed including a method for accepting requests for a network application (see abstract).

Roberts teaches a method for connecting to a server and fulfilling a request based on queue (see abstract).

As per claim 3, Bhoj teaches a server for accepting connection requests from client terminals through a network, comprising:

a connection-order setting unit [priority control module 61] which, upon receiving a first connection request from a first client terminals, and in response to a refusal to grant the first connection request, of said client terminals, sets an order of connection for said first client terminal (column 3, lines 58-67; column 4, lines 1-2; col. 6, lines 1 - 47); and

a connection managing unit [queuing module 62 and classification module 63] for allowing connection of said client terminals according to said order of connection, upon receiving a second connection request from a second client terminal of said client terminals after said first connection request (column 4, lines 16-26).

Bhoj teaches substantially all the limitations, but fails to specifically teach that the connection managing unit transmits a program to the first client, wherein the first client terminal executes the program, and wherein execution of the program by the first client terminal causes the second connection request to be automatically executed again by the first client terminal after a predetermined time interval.

However, Roberts shows that the connection managing unit transmits a program to the first client, wherein the first client terminal executes the program, and wherein execution of the program by the first client terminal causes the second connection request to be automatically executed again by the first client terminal after a predetermined time interval [customer informed of the time can expect to be on-hold; column 1, lines 40-50; the calls are routed using various methods, such as...time of call, number of request presently in queue, among other items; column 5, lines 20-32; calls routed to a queue; column 15, lines 8-21, lines 61-67] and (column 7, lines 35 – 49; column 10, lines 7-38; column 16, lines 40-67; *Roberts discloses that after the user computer 12 receives the user applet 22, the second computer 24 is notified that a link is established, and that a session can be established between the user computer 12 and the second computer 24. When the session is established, users of the user computer 12 and the second computer 24 can visually communicate*).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the connection priority of Bhoj with the display and time of Roberts. A person of ordinary skill in the art would have been motivated to do this so the user can receive status regarding its position in the queue though the server (Roberts, column 15, lines 62-63).

As per claim 4, Bhoj teaches the accepting server according to claim 3. Bhoj does not teach wherein data of said order of connection set by said connection-order setting unit is transmitted to said first client terminal; and

 said first client terminal is caused to display connection-order information, based on said data client is notified of queue by the server.

Roberts teaches the accepting server according to claim 3, wherein data of said order of connection set by said connection-order setting unit is transmitted to said first client terminal (client is notified of queue by the server; column 14, lines 49-60; column 15, lines 8-20; column 15, lines 61-67; column 16, lines 1-10); and

 said first client terminal is caused to display connection-order information, based on said data client is notified of queue by the server; column 14, lines 49-60; column 15, lines 8-20; column 15, lines 61-67; column 16, lines 1-10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the connection priority of Bhoj with the display of Roberts. A person of ordinary skill in the art would have been motivated to do this so the user can receive status regarding its position in the queue though the server (Roberts, column 15, lines 62-63).

As per claim 5, Bhoj teaches the accepting server according to claim 3, further comprising a connection-number monitoring unit [acceptor 53] for monitoring a number of connectable client terminals, wherein said connection managing unit allows connection of one of said client terminals which is highest in said order of connection, after acceptance of connection of a new client terminal has become possible, based on a number of connectable client terminals obtained by said connection-number monitoring unit (the parameter K is used to determine the number of requests sent to the queue; column 6, lines 40-67; column 7, lines 1-67).

As per claim 27, Bhoj teaches the accepting server according to Claim 3, further comprising: a maximum-connection-number setting counter for setting a maximum number of connections that can be connected simultaneously to the server (the look ahead parameter, Kmax is set; column 6, lines 48-67);

a connection-number counter for indicating a number of client terminals connected to the server (counting the number of requests received by the server; column 6, lines 4-39); and

a connectable-number counter for indicating a number of client terminals that can be connected to the server (the acceptor keeping track of the number of requests received; column 7, lines 51-67).

As per claim 28, Bhoj teaches the accepting server according to Claim 27, wherein the connection managing unit is configured to allow connection of one of the client terminals which is highest in the order of connection, after acceptance of connection of a new client terminal has become possible, based on the number of

connectable client terminals indicated by the connectable-number counter (if there is space available in the premium queue, requests from the basic queue are sent; column 8, line 24-50).

As per claim 29, Bhoj teaches the accepting server according to Claim 28, wherein the connection managing unit is configured to allow the connection when the number of connectable client terminals indicated by the connectable-number counter is at least one (column 6, lines 1- 47).

As per claim 30, Bhoj teaches the accepting server according to Claim 27, further comprising: a connection queue data holding section [priority queue 57]; and a connection-right acquired pool section [premium queue 57a].

As per claim 31, Bhoj teaches the accepting server according to Claim 30, wherein the connection managing unit is configured to allow the connection when the number of connectable client terminals indicated by the connectable-number counter is at least one (column 6, lines 1- 47); and wherein the connection managing unit is configured to not allow the connection when the number of connectable client terminals indicated by the connectable-number counter is less than one (column 6, lines 1-47).

As per claim 32, Bhoj teaches the accepting server according to Claim 31, wherein the connection managing unit is configured to issue a reference number to the client terminal whose connection is not allowed, the reference number indicating connection priority to the client terminal, and wherein the connection managing unit is configured to add the reference number to a connection queue in the connection queue data holding section (column 9, lines 1-49).

As per claim 33, Bhoj teaches the accepting server according to Claim 32. Bhoj does not teach wherein the connection managing unit is configured to send data associated with the reference number back to the client terminal. Roberts teaches wherein the connection managing unit is configured to send data associated with the reference number back to the client terminal (see column 14, lines 49-60; column 15, lines 8-20; column 15, lines 61-67; column 16, lines 1- 10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the connection priority of Bhoj with the display of Roberts. A person of ordinary skill in the art would have been motivated to do this so the user can receive status regarding its position in the queue though the server (Roberts, column 15, lines 62-63).

As per claim 34, Bhoj teaches the accepting server according to claim 32, wherein the connection managing unit is configured to determine if there is a connection queue in the a connection queue data holding section, upon receipt of a notification to release a fight of connection (priority queues 57and acceptor 53; column 9, lines 20-65).

As per claim 35, Bhoj teaches the accepting server according to claim 34, wherein the connection managing unit is configured to decrement the number in the connection-number counter by one, in the case there is no connection queue (column 8, lines 24-62).

As per claim 36, Bhoj teaches the accepting server according to claim 34, wherein the connection managing unit is configured to transfer a reference number,

highest in priority order, to the connection-right acquired pool section, in the case there is a connection queue (column 8, lines 24-62).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jacques E. Belissent (US 6,799,276) discloses a method and apparatus for restraining connection request stream associated with high volume burst client in a distributed network.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YVES DALENCOURT whose telephone number is (571)272-3998. The examiner can normally be reached on M-F 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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